

**EIGHTY-FOURTH GENERAL ASSEMBLY
2012 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

MARCH 16, 2012

HOUSE FILE 2351

H-8274

1 Amend House File 2351 as follows:
2 1. Page 15, after line 21 by inserting:
3 <Sec. _____. NEW SECTION. 9B.21B Fees ----
4 certification.
5 The secretary of state shall collect the following
6 fees, for use in offsetting the cost of administering
7 this chapter:
8 1. For furnishing a certified copy of any document,
9 instrument, or paper relating to a notary public, one
10 dollar per page and five dollars for the certificate.
11 2. For furnishing an uncertified copy of any
12 document, instrument, or paper relating to a notary
13 public, one dollar per page.
14 3. For certifying, under seal of the secretary
15 of state, a statement as to the status of a notary
16 commission which would not appear from a certified
17 copy of documents on file in the secretary of state's
18 office, five dollars.>
19 2. Title page, line 1, before <and> by inserting <,
20 providing for fees,>
21 3. By renumbering as necessary.

By HAGENOW of Polk

H-8274 FILED MARCH 15, 2012

HOUSE FILE 2435

H-8279

1 Amend House File 2435 as follows:

2 1. Page 32, line 12, by striking <56,791,816> and
3 inserting <60,074,923>

4 2. Page 32, line 14, by striking <51,896,082> and
5 inserting <55,179,189>

6 3. Page 35, line 29, by striking <77,084,185> and
7 inserting <78,275,926>

8 4. Page 36, line 15, by striking <30,169,129> and
9 inserting <31,071,415>

10 5. Page 43, line 5, by striking <33,080,597> and
11 inserting <35,118,764>

12 6. Page 52, after line 3 by inserting:

13 <PROVIDER REIMBURSEMENTS ---- CHILD AND FAMILY SERVICES,
14 CHILD CARE, AND ADOPTION SUBSIDY

15 Sec. _____. 2011 Iowa Acts, chapter 129, section
16 141, subsections 4, 6, and 10 are amended to read as
17 follows:

18 4. For the fiscal year beginning July 1, 2012,
19 notwithstanding section 234.38, the foster family
20 basic daily maintenance rate and the maximum adoption
21 subsidy rate for children ages 0 through 5 years ~~shall~~
22 ~~be \$15.74~~, the rate for children ages 6 through 11
23 years ~~shall be \$16.37~~, the rate for children ages 12
24 through 15 years ~~shall be \$17.92~~, and the rate for
25 children and young adults ages 16 and older shall be
26 ~~\$18.16~~ increased by 3 percent over the rate in effect
27 on June 30, 2012. The maximum supervised apartment
28 living foster care reimbursement rate shall be \$25.00
29 per day. For youth ages 18 to 21 who have exited
30 foster care, the maximum preparation for adult living
31 program maintenance rate shall be \$574.00 per month.
32 The maximum payment for adoption subsidy nonrecurring
33 expenses shall be limited to \$500 and the disallowance
34 of additional amounts for court costs and other related
35 legal expenses implemented pursuant to 2010 Iowa Acts,
36 chapter 1031, section 408 shall be continued.

37 6. a. For the fiscal year beginning July 1, 2012,
38 the reimbursement rates for family-centered service
39 providers, ~~family foster care service providers, group~~
40 ~~foster care service providers~~, and the resource family
41 recruitment and retention contractor shall remain at
42 the rates in effect on June 30, 2012.

43 b. For the fiscal year beginning July 1, 2012, the
44 reimbursement rates for family foster care service
45 providers and group foster care service providers shall
46 be increased by 3 percent over the rates in effect on
47 June 30, 2012.

48 10. For the fiscal year beginning July 1, 2012,
49 for child care providers reimbursed under the state
50 child care assistance program, the department shall

H-8279

1 set provider reimbursement rates based on the rate
2 reimbursement survey completed in December 2004.
3 Effective July 1, 2012, the child care provider
4 reimbursement rates shall ~~remain at~~ be increased by 3
5 percent over the rates in effect on June 30, 2012. The
6 department shall set rates in a manner so as to provide
7 incentives for a nonregistered provider to become
8 registered by applying the increase only to registered
9 and licensed providers.>
10 7. By renumbering as necessary.

By HEDDENS of Story

SENATE FILE 430

H-8270

1 Amend Senate File 430, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line
4 22, and inserting:

5 <Section 1. Section 21.6, subsection 3, paragraph
6 a, subparagraph (3), Code Supplement 2011, is amended
7 to read as follows:

8 (3) Reasonably relied upon a decision of a court,
9 a formal opinion of the Iowa public information
10 board, the attorney general, or the attorney for the
11 governmental body, given in writing, or as memorialized
12 in the minutes of the meeting at which a formal oral
13 opinion was given, or an advisory opinion of the Iowa
14 public information board, the attorney general, or the
15 attorney for the governmental body, given in writing.

16 Sec. _____. Section 22.7, Code Supplement 2011, is
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 65. Tentative, preliminary,
19 draft, speculative, or research material, prior
20 to its completion for the purpose for which it is
21 intended and in a form prior to the form in which it is
22 submitted for use or used in the actual formulation,
23 recommendation, adoption, or execution of any official
24 policy or action by a public official authorized to
25 make such decisions for the governmental body or the
26 government body. This subsection shall not apply to
27 public records that are actually submitted for use or
28 are used in the formulation, recommendation, adoption,
29 or execution of any official policy or action of a
30 governmental body or a government body by a public
31 official authorized to adopt or execute official policy
32 for the governmental body or the government body.

33 Sec. _____. Section 22.10, subsection 3, paragraph
34 b, subparagraph (3), Code Supplement 2011, is amended
35 to read as follows:

36 (3) Reasonably relied upon a decision of a court,
37 a formal opinion of the Iowa public information
38 board, the attorney general, or the attorney for the
39 government body, given in writing, or as memorialized
40 in the minutes of the meeting at which a formal oral
41 opinion was given, or an advisory opinion of the Iowa
42 public information board, the attorney general, or the
43 attorney for the government body, given in writing.>

44 2. Page 3, by striking lines 19 through 31 and
45 inserting:

46 <1. An Iowa public information board is created
47 consisting of the following seven members appointed by
48 the governor, subject to confirmation by the senate:

49 a. One member representing the Iowa broadcasters
50 association.

H-8270

- 1 b. One member representing the Iowa newspaper
- 2 association.
- 3 c. One member representing the Iowa freedom of
- 4 information council.
- 5 d. One member representing the Iowa league of
- 6 cities.
- 7 e. One member representing the Iowa state
- 8 association of counties.
- 9 f. One member representing the Iowa association of
- 10 school boards.
- 11 g. One public member with demonstrated interest
- 12 and knowledge about the requirements of chapters 21
- 13 and 22. The public member shall not have been an
- 14 employee of a governmental body, a government body,
- 15 or a member of any entity or employed by a member of
- 16 any entity identified in paragraphs "a" through "f"
- 17 during the twelve months preceding the public member's
- 18 appointment.>
- 19 3. Page 4, after line 12 by inserting:
- 20 8. The board shall be an independent agency.>
- 21 4. Page 5, by striking lines 12 through 18 and
- 22 inserting:
- 23 <1. Employ one employee as executive director who
- 24 is an attorney admitted to practice law in the courts
- 25 of this state to execute its authority and prosecute
- 26 respondents in proceedings before the board and to
- 27 represent the board in proceedings before a court.>
- 28 5. By striking page 10, line 33, through page 11,
- 29 line 6.
- 30 6. Page 11, line 11, by striking <2011> and
- 31 inserting <2012>
- 32 7. Page 11, by striking lines 13 and 14 and
- 33 inserting <contrary, the executive director of the
- 34 board shall not be hired prior to July 1, 2013.>
- 35 8. Page 11, line 15, by striking <2012> and
- 36 inserting <2013>
- 37 9. Page 11, line 23, by striking <2012> and
- 38 inserting <2013>
- 39 10. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
COWNIE of Polk, Chairperson

SENATE FILE 451

H-8278

1 Amend Senate File 451, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 257.41, Code 2011, is amended
6 to read as follows:

7 257.41 Funding for programs for returning dropouts
8 and dropout prevention.

9 1. Budget. The budget of an approved program for
10 returning dropouts and dropout prevention for a school
11 district, after subtracting funds received from other
12 sources for that purpose, shall be funded annually on
13 a basis of one-fourth or more from the district cost
14 of the school district and up to three-fourths by an
15 increase in allowable growth as defined in section
16 257.8. Annually, the department of management shall
17 establish a modified allowable growth for each such
18 school district equal to the difference between the
19 approved budget for the program for returning dropouts
20 and dropout prevention for that district and the sum of
21 the amount funded from the district cost of the school
22 district plus funds received from other sources.

23 2. Appropriate uses of funding. Appropriate uses of
24 the returning dropout and dropout prevention program
25 funding include but are not limited to the following:

26 a. Salary and benefits for instructional staff,
27 instructional support staff, and school-based youth
28 services staff who are working with students who
29 are participating in dropout prevention programs,
30 alternative programs, and alternative schools, in
31 a traditional or alternative setting, if the staff
32 person's time is dedicated to working with returning
33 dropouts or students who are deemed, at any time
34 during the school year, to be at risk of dropping out,
35 in order to provide services beyond those which are
36 provided by the school district to students who are
37 not identified as at risk of dropping out. However,
38 if the staff person works part-time with students who
39 are participating in returning dropout and dropout
40 prevention programs, alternative programs, and
41 alternative schools and has another unrelated staff
42 assignment, only the portion of the staff person's
43 time that is related to the returning dropout and
44 dropout prevention program, alternative program, or
45 alternative school may be charged to the program. For
46 purposes of this paragraph, if an alternative setting
47 is necessary to provide for a program which is offered
48 at a location off school grounds and which is intended
49 to serve student needs by improving relationships
50 and connections to school, decreasing truancy and

H-8278

1 tardiness, providing opportunities for course credit
2 recovery, or helping students identified as at risk
3 of dropping out to accelerate through multiple grade
4 levels of achievement within a shortened time frame,
5 the tuition costs for a student identified as at risk
6 of dropping out shall be considered an appropriate use
7 of the returning dropout and dropout prevention program
8 funding.

9 b. Professional development for all teachers and
10 staff working with at-risk students and programs
11 involving dropout prevention strategies.

12 c. Research-based resources, materials, software,
13 supplies, and purchased services that meet all of the
14 following criteria:

15 (1) Meets the needs of kindergarten through grade
16 twelve students identified as at risk of dropping out
17 and of returning dropouts.

18 (2) Are beyond those provided by the regular school
19 program.

20 (3) Are necessary to provide the services listed in
21 the school district's dropout prevention plan.

22 (4) Will remain with the kindergarten through
23 grade twelve returning dropout and dropout prevention
24 program.

25 d. Up to five percent of the total budgeted amount
26 received pursuant to subsection 1 may be used for
27 purposes of providing district-wide or building-wide
28 returning dropout and dropout prevention programming
29 targeted to students who are not deemed at risk of
30 dropping out.

31 3. Limitation. For the fiscal year beginning July
32 1, 2013, and each succeeding fiscal year, the ratio of
33 the amount of modified allowable growth established by
34 the department of management compared to the school
35 district's total regular program district cost shall
36 not exceed the highest such ratio for the school
37 district for any fiscal year beginning before July 1,
38 2013.

39 Sec. 2. APPLICABILITY. This Act is applicable to
40 budget years beginning on or after July 1, 2013.>

41 2. Title page, line 3, after <prevention> by
42 inserting <and including applicability provisions>

COMMITTEE ON EDUCATION

FORRISTALL of Pottawattamie, Chairperson

SENATE FILE 493

H-8273

1 Amend Senate File 493, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. NEW SECTION. 499A.1A Applicability.

6 This chapter shall apply to cooperatives established
7 under this chapter unless otherwise provided in chapter
8 499C.

9 Sec. 2. NEW SECTION. 499B.1A Applicability.

10 This chapter shall apply to horizontal property
11 regimes established under this chapter unless otherwise
12 provided in chapter 499C.

13 Sec. 3. Section 499B.15, subsection 2, Code 2011,
14 is amended by striking the subsection.

15 Sec. 4. NEW SECTION. 499B.21 Board of
16 administration ---- meetings and records.

17 1. For horizontal property regimes with eight or
18 more apartments, if the form of administration is a
19 board of administration, the board of administration
20 shall comply with the requirements of chapter 499C.

21 2. For horizontal property regimes with seven or
22 less apartments, if the form of administration is a
23 board of administration, the board of administration
24 shall comply with the requirements of section 499C.401,
25 subsection 2, and sections 499C.402 and 499C.403.

26 Sec. 5. NEW SECTION. 499C.101 Title.

27 This chapter shall be known and cited as the "Iowa
28 Common Interest Ownership Act".

29 Sec. 6. NEW SECTION. 499C.102 Public policy.

30 The general assembly declares that it is the public
31 policy of the state that the management and affairs of
32 common interest communities be conducted openly, and
33 this chapter shall be construed to provide open access
34 to the management of the common interest community to
35 the unit owners.

36 Sec. 7. NEW SECTION. 499C.103 Definitions.

37 As used in this chapter, unless the context
38 otherwise requires:

39 1. "Bylaws" means the instruments, however
40 denominated, that contain the procedures for conducting
41 the affairs of the unit owners association or the
42 executive board regardless of the form in which the
43 association is organized, including any amendments to
44 such instruments.

45 2. "Common element" means:

46 a. For a cooperative under chapter 499A or a
47 horizontal property regime under chapter 499B, all
48 portions of the common interest community other than
49 the units.

50 b. For a planned community, any real estate within

H-8273

1 the planned community which is owned or leased by the
2 unit owners association, other than a unit.

3 c. For all common interest communities, any other
4 interests in real estate for the benefit of unit owners
5 which are subject to the declaration.

6 3. a. "Common interest community" means real estate
7 described in a declaration with respect to which a
8 person, by virtue of the person's ownership of a unit,
9 is obligated to pay for a share of real estate taxes,
10 insurance premiums, maintenance, or improvement of, or
11 services or other expenses related to, common elements,
12 other units, or other real estate described in the
13 declaration. "Common interest community" includes
14 a cooperative under chapter 499A and a horizontal
15 property regime under chapter 499B.

16 b. Common interest community does not include:

17 (1) A covenant that requires the owners of separate
18 parcels of real estate to share costs or other
19 obligations related to a wall, driveway, well, or other
20 similar structure, unless all such owners consent in
21 writing to the creation of a common interest community.

22 (2) Real estate described in paragraph "a" if all
23 units are owned by a single unit owner.

24 4. "Declarant" means any person or group of persons
25 who, as the record title owner of real estate, by
26 a declaration, initially creates a common interest
27 community.

28 5. "Declaration" means the instrument, however
29 denominated, that creates a common interest community,
30 including any amendments to the instrument.

31 6. "Executive board" means the body, regardless of
32 name, designated in the declaration or bylaws to act on
33 behalf of the unit owners association.

34 7. "Planned community" means a common interest
35 community that is not a cooperative under chapter 499A
36 or a horizontal property regime under chapter 499B,
37 and includes property owner or homeowner associations.
38 However, a cooperative under chapter 499A or a
39 horizontal property regime under chapter 499B may be
40 part of a planned community.

41 8. "Rule" means a policy, guideline, restriction,
42 procedure, or regulation, however denominated, which is
43 not set forth in the declaration or bylaws.

44 9. "Unit" means a physical portion of the common
45 interest community designated for separate ownership or
46 occupancy or as otherwise defined in the statute under
47 which the common interest community is organized.

48 10. "Unit owner" means a declarant or other person
49 that owns a unit, but does not include a person
50 having an interest in a unit solely as security for

1 an obligation. In a horizontal property regime under
2 chapter 499B or a planned community, the declarant is
3 the owner of any unit created by the declaration. In
4 a cooperative under chapter 499A, the declarant is
5 the owner of any unit to which an interest has been
6 allocated until that unit has been conveyed to another
7 person.

8 11. "Unit owners association" means an association,
9 regardless of name, organized as a for-profit or
10 nonprofit corporation, trust, limited liability
11 company, partnership, unincorporated association,
12 or any other form of organization authorized by the
13 laws of this state, the membership of which consists
14 solely of unit owners except following termination
15 of the common interest community, at which time the
16 association shall consist of all former unit owners
17 entitled to distributions of proceeds or their heirs,
18 successors, or assigns.

19 Sec. 8. NEW SECTION. 499C.104 Variation by
20 agreement.

21 Except as expressly provided in this chapter,
22 the provisions of this chapter may not be varied
23 by agreement, and rights conferred by it may not be
24 waived.

25 Sec. 9. NEW SECTION. 499C.105 Applicability.

26 Unless otherwise provided by law:

27 1. This chapter applies to common interest
28 communities within this state having eight or more
29 units.

30 2. Any portion of a declaration, bylaws, covenant,
31 or other contractual provision existing prior to
32 July 1, 2012, that violates or is inconsistent with
33 this chapter is not enforceable. However, nothing in
34 this chapter shall be construed to invalidate other
35 provisions of the declaration, bylaws, plats, or plans
36 of those common interest communities established before
37 July 1, 2012.

38 3. The provisions of this chapter shall prevail
39 over any conflicting provision of law under which a
40 common interest community or unit owners association
41 is organized.

42 Sec. 10. NEW SECTION. 499C.201 Unit owners
43 association -- executive board.

44 1. A unit owners association shall have an
45 executive board.

46 2. Except as otherwise provided in the declaration,
47 the bylaws, subsection 3 of this section, or provisions
48 of the statute under which the common interest
49 community is organized, an executive board acts on
50 behalf of the unit owners association.

1 3. An executive board shall not act on behalf of
2 the unit owners association to amend the declaration,
3 to terminate the common interest community, to elect
4 members of the executive board, or determine the
5 qualifications, powers and duties, or terms of office
6 of executive board members. An executive board may
7 fill vacancies in its membership for the unexpired
8 portion of any term.

9 4. A declaration may provide for a period of
10 declarant control of the unit owners association,
11 during which a declarant, or persons designated by the
12 declarant, may appoint and remove the officers and
13 members of the executive board. For declarations filed
14 on or after July 1, 2012, a period of declarant control
15 shall be clearly defined in the declaration.

16 Sec. 11. NEW SECTION. 499C.401 Meetings.

17 1. Meetings of a unit owners association, whether
18 such association is incorporated or unincorporated,
19 shall comply with all of the following:

20 a. A unit owners association shall hold a meeting
21 of unit owners annually at a time, date, and place
22 stated in or determined in accordance with the
23 declaration or bylaws.

24 b. A unit owners association shall hold a special
25 meeting of unit owners to address any matter affecting
26 the unit owners association if the association's
27 president, a majority of the executive board, or an
28 amount of unit owners comprising at least forty percent
29 of all votes in the association, unless a different
30 percentage is specified in the bylaws, request that
31 the secretary call the meeting. If the unit owners
32 association does not notify unit owners of a special
33 meeting within thirty days after the required number
34 of unit owners has requested the secretary to call a
35 special meeting, the requesting members may directly
36 notify all unit owners of the meeting. Only matters
37 described in the meeting notice may be considered at a
38 special meeting.

39 c. A unit owners association shall notify each
40 unit owner of the time, date, and place of each annual
41 and special unit owners meeting not less than ten
42 days and not more than sixty days before the meeting
43 date. Notice may be by any means described in section
44 499C.403. Each meeting notice shall state the time,
45 date, and place of the meeting and the items on the
46 agenda in a manner reasonably calculated to apprise
47 the unit owners of that information, including but not
48 limited to:

49 (1) A statement of the general nature of any
50 proposed amendment to the declaration or bylaws.

1 (2) A statement describing any budget changes.

2 (3) Any proposal to remove an officer or member of
3 the executive board.

4 d. The requirements relating to the timing of
5 meeting notices under paragraph "c" may be reduced or
6 waived for a meeting called to address an emergency. A
7 meeting called to address an emergency shall be limited
8 to matters arising out of the emergency.

9 e. Each unit owner shall be given a reasonable
10 opportunity at any meeting to comment on any matter
11 affecting the common interest community or the unit
12 owners association.

13 f. The declaration or bylaws may allow for meetings
14 of unit owners to be conducted by telephonic, video, or
15 other conferencing method, if such method is consistent
16 with subsection 2, paragraph "g".

17 2. Meetings of the executive board and committees
18 of the unit owners association, authorized to act for
19 the unit owners association, shall comply with all of
20 the following:

21 a. Meetings shall be open to the unit owners except
22 during executive sessions. The executive board and
23 committees of the unit owners association may hold an
24 executive session only during a regular or special
25 meeting of the board or the committee. No final
26 vote or final action may be taken during an executive
27 session. An executive session may only be held for the
28 following reasons:

29 (1) To consult with the unit owners association's
30 attorney concerning legal matters governed by
31 attorney-client privilege.

32 (2) To discuss existing or potential litigation or
33 mediation, arbitration, or governmental administrative
34 proceedings.

35 (3) To discuss matters relating to the job
36 performance, compensation, or health records of an
37 individual employee or specific complaints against an
38 individual employee of the unit owners association or
39 against an independent contractor employed by the unit
40 owners association.

41 (4) To discuss contracts, leases, and other
42 commercial transactions for goods or services that are
43 under negotiation, including the review of bids or
44 proposals, if public disclosure of such matters would
45 place the unit owners association at a disadvantage.

46 (5) To discuss personal, health, or financial
47 information relating to a unit owner, a specific
48 employee of the unit owners association, or a specific
49 employee of an independent contractor retained by the
50 unit owners association, including any records of the

1 unit owners association relating to such information.
2 b. For purposes of this section, a gathering of
3 board members at which the board members do not conduct
4 unit owners association business is not a meeting of
5 the executive board. Executive board members shall not
6 use incidental or social gatherings of board members
7 or any other method to evade the meeting and notice
8 requirements of this section.

9 c. During a period of declarant control, the
10 executive board shall meet at least one time each
11 year. At least one of the meetings shall be held at
12 the common interest community or at a place convenient
13 to the unit owners of the common interest community.
14 After termination of the period of declarant control,
15 all executive board meetings shall be at the common
16 interest community or at a place convenient to the unit
17 owners of the common interest community unless the unit
18 owners amend the bylaws to vary the location of such
19 meetings.

20 d. At each executive board meeting, the executive
21 board shall provide a reasonable opportunity for unit
22 owners to comment on any matter affecting the common
23 interest community and the unit owners association.

24 e. Unless the meeting is included in a schedule
25 given to the unit owners or the meeting is called to
26 address an emergency, the secretary or other officer
27 specified in the bylaws shall give notice of each
28 executive board meeting to each executive board member
29 and to each unit owner. Such notice shall be given at
30 least ten days before the meeting and shall state the
31 time, date, place, and agenda of the meeting.

32 f. If any materials are distributed to the
33 executive board before a meeting, the executive board,
34 upon receipt of the materials, shall make copies
35 reasonably available to unit owners, except that the
36 executive board is not required to make available
37 copies of unapproved minutes or materials that are to
38 be considered during an executive session.

39 g. Unless otherwise provided in the declaration or
40 bylaws, the executive board may conduct a meeting by
41 telephonic, video, or other conferencing method if all
42 of the following conditions are met:

43 (1) The meeting notice states the conferencing
44 method to be used and provides information explaining
45 how unit owners may participate in the conference
46 directly or by meeting at a central location or
47 conference connection.

48 (2) The process provides all unit owners the
49 opportunity to hear or perceive the discussion and to
50 comment on matters before the executive board.

1 h. Following termination of the period of declarant
2 control, unit owners may amend the bylaws to vary the
3 procedures for meetings described in paragraph "g".

4 i. In lieu of a meeting, the executive board may
5 act by unanimous consent if such action is documented
6 in a record authenticated by all executive board
7 members. The secretary shall give prompt notice to all
8 unit owners of any action taken by unanimous consent.
9 After termination of the period of declarant control,
10 an executive board may act by unanimous consent only to
11 undertake ministerial actions or to implement actions
12 previously taken at a meeting of the executive board.

13 j. Unless otherwise restricted by this chapter or
14 the common interest community's bylaws, an executive
15 board may determine rules of procedure for the
16 executive board.

17 k. An executive board may remove any person from
18 a meeting of the executive board upon a finding by a
19 majority of the board members that the person is being
20 disruptive to the meeting. An executive board may bar
21 any person from meetings of the executive board or
22 other meetings of the common interest community for a
23 period of up to one year if the person has been twice
24 removed from a meeting within the preceding twelve
25 months.

26 l. An action by an executive board that is not
27 in compliance with this section is valid unless
28 invalidated by a court. A challenge to the validity of
29 an action of the executive board for failure to comply
30 with this section shall not be brought more than sixty
31 days after the minutes of the executive board of the
32 meeting at which the action was taken are approved
33 or the record of that action is distributed to unit
34 owners, whichever is later.

35 Sec. 12. NEW SECTION. 499C.402 Association
36 records.

37 1. A unit owners association shall retain all of
38 the following:

39 a. Detailed records of receipts and expenditures
40 relating to the operation and administration of
41 the unit owners association and other appropriate
42 accounting records.

43 b. Minutes of all unit owners meetings and
44 executive board meetings, a record of all actions taken
45 by the unit owners or the executive board without
46 a meeting, and a record of all actions taken by a
47 committee in place of the executive board on behalf
48 of the unit owners association. The minutes retained
49 by the unit owners association shall indicate the
50 date, time, and place of the meeting, the names of all

1 persons present at the meeting, and each action taken
2 at the meeting. The minutes shall also include the
3 results of each vote taken at the meeting, including
4 information indicating the vote of each executive
5 board member present at the meeting. The vote of each
6 executive board member present shall be made public at
7 the open session.

8 c. The names of all unit owners in a form that
9 permits preparation of a list of the names of all
10 owners and the regular mail or electronic mail address
11 at which the unit owners association communicates
12 with them, and the number of votes each unit owner is
13 entitled to cast.

14 d. The unit owners association's original and
15 amended organizational documents, bylaws, including all
16 amendments to the bylaws, and all rules of the common
17 interest community currently in effect.

18 e. All financial statements and tax returns of the
19 unit owners association for the past three years.

20 f. A list of the names and addresses of the current
21 executive board members and officers.

22 g. The unit association's most recent annual report
23 delivered to the secretary of state, if applicable.

24 h. Copies of each contract to which the unit owners
25 association is currently a party.

26 i. Records of executive board or committee actions
27 relating to requests for design or architectural
28 approval from unit owners.

29 j. Ballots, proxies, and other records related to
30 voting by unit owners for one year after the election,
31 action, or vote.

32 2. Except as provided under subsections 3 and
33 4, all records retained by a unit owners association
34 must be available for examination and copying by a
35 unit owner or the unit owner's authorized agent during
36 reasonable business hours or at a mutually convenient
37 time and location upon providing a five days' notice
38 that reasonably identifies the specific records that
39 are being requested.

40 3. Records retained by a unit owners association
41 may be withheld from inspection and copying to the
42 extent that they concern:

43 a. Personally identifiable information, salary, and
44 medical records relating to specific individuals.

45 b. Information relating to contracts, leases, and
46 other commercial transactions to purchase or provide
47 goods or services, currently under negotiation.

48 c. Information relating to existing or potential
49 litigation, mediation, arbitration, or governmental
50 administrative proceedings.

1 d. Information relating to existing or potential
2 matters involving governmental administrative
3 proceedings or other proceedings before a government
4 tribunal for enforcement of the declaration, bylaws,
5 or rules.

6 e. Communications with the unit owners association
7 attorney which are otherwise protected by the
8 attorney-client privilege or the attorney work-product
9 doctrine.

10 f. Information that if disclosed would violate
11 another provision of law.

12 g. Records of an executive session of the executive
13 board. However, upon the completion of a matter
14 that is the subject of an executive session held
15 under section 499C.401, subsection 2, paragraph "a",
16 subparagraphs (1) through (4), such records of the
17 executive session shall be available for inspection as
18 provided in this section.

19 h. Records directly related to the personal,
20 health, or financial information of a unit owner, if
21 the person requesting the records is not the unit owner
22 that is the subject of the records.

23 4. A unit owners association may charge a
24 reasonable fee for providing copies of any records
25 under this section and for supervising the inspection
26 of such records.

27 5. The right to inspect records under this section
28 includes the right to copy records by photocopying or
29 other means including copies through an electronic
30 transmission, if available, upon request of the
31 requester.

32 6. A unit owners association is not obligated to
33 compile or synthesize information or records under this
34 section.

35 7. Information or records obtained under this
36 section shall not be used for commercial purposes.

37 Sec. 13. NEW SECTION. 499C.403 Notice to unit
38 owners.

39 1. A unit owners association or an executive board,
40 as applicable, shall deliver each notice required to be
41 given by the association or board under this chapter
42 to the regular mail address or electronic mail address
43 provided by each unit owner. If a regular mail address
44 or electronic mail address is not provided by the unit
45 owner, the notice may be delivered using any of the
46 following methods:

47 a. Hand delivery to the unit owner.

48 b. Mailing by regular mail or certified mail, as
49 defined in section 618.15, to the address of the unit.

50 c. Any other method reasonably calculated to

H-8273

Page 10

1 provide notice to the unit owner.

2 2. The ineffectiveness of a good-faith effort to
3 deliver notice under subsection 1 does not invalidate
4 an action taken at a meeting or an action taken by
5 other means.

6 Sec. 14. NEW SECTION. 499C.501 Cause of action ----
7 attorney fees.

8 A declarant, unit owners association, unit owner, or
9 any other person subject to this chapter may bring an
10 action to enforce a right granted or obligation imposed
11 by this chapter, the declaration, or the bylaws. In
12 any action brought under this chapter, the court
13 may award reasonable attorney fees to the prevailing
14 party.>

COMMITTEE ON JUDICIARY

ANDERSON of Page, Chairperson

H-8273 FILED MARCH 15, 2012

SENATE FILE 2208

H-8272

1 Amend Senate File 2208, as passed by the Senate, as
2 follows:

3 1. Page 1, line 4, by striking <All> and inserting
4 <All Unless otherwise ordered by the court, all>

5 2. Page 1, line 14, after <duties> by inserting
6 <unless otherwise ordered by the court>

7 3. Page 1, line 16, after <disseminated> by
8 inserting <, without court order,>

COMMITTEE ON JUDICIARY

ANDERSON of Page, Chairperson

H-8272 FILED MARCH 15, 2012

SENATE FILE 2219

H-8277

1 Amend Senate File 2219, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking line 1 and inserting:

4 <Section 1. Section 256D.2A, Code 2011, is amended
5 to read as follows:

6 256D.2A Program funding.

7 1. For the budget year beginning July 1, 2009, and
8 each succeeding budget year, a school district shall
9 expend funds received pursuant to section 257.10,
10 subsection 11, at the kindergarten through grade three
11 levels to reduce class sizes to the state goal of
12 seventeen students for every one teacher and to achieve
13 a higher level of student success in the basic skills,
14 especially reading. In order to support these efforts,
15 school districts may expend funds received pursuant
16 to section 257.10, subsection 11, at the kindergarten
17 through grade three level on programs, instructional
18 support, and materials that include but are not limited
19 to the following: additional licensed instructional
20 staff; additional support for students, such as before
21 and after school programs, tutoring, and intensive
22 summer programs; the acquisition and administration of
23 diagnostic reading assessments; the implementation of
24 research-based instructional intervention programs for
25 students needing additional support; the implementation
26 of all-day, everyday kindergarten programs; and
27 the provision of classroom teachers with intensive
28 training programs to improve reading instruction and
29 professional development in best practices including
30 but not limited to training programs related to
31 instruction to increase students' phonemic awareness,
32 reading abilities, and comprehension skills.

33 2. Notwithstanding subsection 1, for the budget
34 year beginning July 1, 2012, and each succeeding fiscal
35 year, a school district may expend two-thirds of the
36 funds received pursuant to section 257.10, subsection
37 11, to pay for the costs of complying with education
38 reform legislation enacted by the 84th General
39 Assembly, 2012 Regular Session.

40 Sec. _____. Section 256D.9, Code 2011, is amended to
41 read as follows:

42 256D.9 Future repeal.

43 This chapter is repealed effective July 1, ~~2012~~

44 2017.>

45 2. Title page, line 2, after <program> by inserting
46 <and to expenditures under the program,>

47 3. By renumbering as necessary.

COMMITTEE ON EDUCATION

FORRISTALL of Pottawattamie, Chairperson

H-8277 FILED MARCH 15, 2012

SENATE FILE 2242

H-8276

1 Amend Senate File 2242, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 1 through 9 and
4 inserting:

5 <Section 1. Section 232.95, subsection 2, paragraph
6 a, subparagraph (1), Code 2011, is amended to read as
7 follows:

8 (1) If removal is ordered, the court must, in
9 addition, make a determination that continuation of
10 the child in the child's home would be contrary to the
11 welfare of the child, and that reasonable efforts, as
12 defined in section 232.102, have been made to prevent
13 or eliminate the need for removal of the child from
14 the child's home. In determining the welfare of the
15 child, the court shall first consider the stability of
16 the child's home.

17 Sec. 2. Section 232.96, subsection 10, paragraph a,
18 Code 2011, is amended to read as follows:

19 a. A determination that continuation of the child
20 in the child's home would be contrary to the welfare of
21 the child, and that reasonable efforts, as defined in
22 section 232.102, have been made to prevent or eliminate
23 the need for removal of the child from the child's
24 home. In determining the welfare of the child, the
25 court shall first consider the stability of the child's
26 home. The court's determination regarding continuation
27 of the child in the child's home, and regarding
28 reasonable efforts, including those made to prevent
29 removal and those made to finalize any permanency plan
30 in effect, as well as any determination by the court
31 that reasonable efforts are not required, must be
32 made on a case-by-case basis. The grounds for each
33 determination must be explicitly documented and stated
34 in the court order. However, preserving the safety of
35 the child is the paramount consideration. If imminent
36 danger to the child's life or health exists at the
37 time of the court's consideration, the determinations
38 otherwise required under this paragraph shall not be a
39 prerequisite for an order for temporary removal of the
40 child.

41 Sec. 3. Section 232.102, subsection 5, paragraph b,
42 Code 2011, is amended to read as follows:

43 b. In order to transfer custody of the child under
44 this subsection, the court must make a determination
45 that continuation of the child in the child's home
46 would be contrary to the welfare of the child, and
47 shall identify the reasonable efforts that have been
48 made. In determining the welfare of the child, the
49 court shall first consider the stability of the child's
50 home. The court's determination regarding continuation

H-8276

H-8276

Page 2

1 of the child in the child's home, and regarding
2 reasonable efforts, including those made to prevent
3 removal and those made to finalize any permanency plan
4 in effect, as well as any determination by the court
5 that reasonable efforts are not required, must be
6 made on a case-by-case basis. The grounds for each
7 determination must be explicitly documented and stated
8 in the court order. However, preserving the safety of
9 the child is the paramount consideration. If imminent
10 danger to the child's life or health exists at the
11 time of the court's consideration, the determinations
12 otherwise required under this paragraph shall not
13 be a prerequisite for an order for removal of the
14 child. If the court transfers custody of the child,
15 unless the court waives the requirement for making
16 reasonable efforts or otherwise makes a determination
17 that reasonable efforts are not required, reasonable
18 efforts shall be made to make it possible for the child
19 to safely return to the family's home.>

20 2. Page 2, after line 4 by inserting:

21 <Sec. _____. SIBLING INTERACTION WITH CHILDREN IN
22 COURT-ORDERED PLACEMENTS -- REPORT. The department
23 of human services shall report on or before May 1,
24 2013, to the governor and general assembly providing
25 information regarding the status of the efforts
26 made by the department and others involved with the
27 child welfare system to comply with the requirements
28 of section 232.108 regarding sibling placements
29 and visitation, or other ongoing interaction. The
30 information shall address recent efforts and efforts
31 made during previous fiscal years.>

32 3. By renumbering as necessary.

COMMITTEE ON HUMAN RESOURCES

L. MILLER of Scott, Chairperson

H-8276 FILED MARCH 15, 2012

SENATE FILE 2289

H-8275

1 Amend Senate File 2289, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 33, through page 2,
4 line 7.

COMMITTEE ON HUMAN RESOURCES

L. MILLER of Scott, Chairperson

H-8275 FILED MARCH 15, 2012

SENATE FILE 2295

H-8271

1 Amend Senate File 2295, as passed by the Senate, as
2 follows:

3 1. By striking page 1, line 11, through page 2,
4 line 4, and inserting:

5 <Sec. _____. Section 614.8A, Code 2011, is amended to
6 read as follows:

7 614.8A ~~Damages~~ Commencement of action for minor or
8 child sexual abuse ---- time limitation.

9 1. Notwithstanding section 614.8, subsection 2,
10 and the times limited for actions in this chapter,
11 the time to file an action relating to sexual abuse
12 which occurred when the injured person was a minor, is
13 extended ten years beyond the minor's attainment of
14 eighteen years of age.

15 2. An action for damages for injury suffered as a
16 result of sexual abuse which occurred when the injured
17 person was a child, but not discovered until after the
18 injured person is of the age of majority, shall be
19 brought within four years from the time of discovery
20 by the injured party of both the injury and the causal
21 relationship between the injury and the sexual abuse.
22 However, an action shall not be brought under this
23 subsection more than twenty years beyond the child's
24 attainment of eighteen years of age against an employer
25 or institution based upon vicarious liability.

26 Sec. _____. NEW SECTION. 728.2A Dissemination by
27 young persons of material depicting a sex act or nudity.

28 1. Any person fourteen through eighteen years
29 of age who knowingly disseminates to another person
30 fourteen through eighteen years of age material
31 depicting either or both persons, one of whom is a
32 minor, engaged in a sex act or in a state of full or
33 partial nudity, as defined in section 709.21, commits a
34 simple misdemeanor.

35 2. A person convicted under this section shall not
36 be required to register as a sex offender under chapter
37 692A.

38 Sec. _____. Section 728.12, Code 2011, is amended by
39 adding the following new subsection:

40 NEW SUBSECTION. 5. A violation of this section
41 does not apply to a person fourteen through eighteen
42 years of age if all of the following circumstances
43 apply:

44 a. The material was disseminated to a person
45 fourteen through eighteen years of age.

46 b. The material depicts the sender, recipient, or
47 both, one of whom is a minor, engaged in a prohibited
48 sex act or in the simulation of a prohibited sex act.

49 c. The material was knowingly created with the
50 consent of the persons depicted.

H-8271

H-8271

Page 2

1 d. The sender of the material knows or reasonably
2 believes the material would not be offensive to the
3 recipient of the material.

4 e. The person does not further disseminate or
5 exhibit the material if the material depicts another
6 person.>

7 2. Title page, line 1, by striking <modifying> and
8 inserting <pertaining to sexually related crimes and
9 penalties, including>

10 3. Title page, lines 1 and 2, by striking <and
11 criminal>

12 4. Title page, line 2, after <minors> by inserting
13 <, the dissemination by a young person of sexually
14 related materials, and the sexual exploitation of
15 minors>

COMMITTEE ON JUDICIARY

ANDERSON of Page, Chairperson

H-8271 FILED MARCH 15, 2012

Fiscal Note

Fiscal Services Division



HF 2439 – Sales Tax Exemption - Automotive Inputs (LSB 5512HV)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

Section 1 of **HF 2439** provides a sales tax exemption for auto body repair materials. Section 2 provides a sales tax exemption for inputs used in a car wash for a retailer providing a car wash service. The Bill is effective on enactment.

Assumptions

Section 1 assumptions:

- Average total repair costs in Iowa are estimated at \$262.9 million in the base year and 10.3% of the cost are for materials impacted by the Bill.
- Growth in taxable sales are estimated at 3.7% in FY 2012, 3.4% in FY 2013, 3.7% in FY 2014, and 4.4% in FY 2015.
- Cost mark-up for the auto body repair dealers is assumed at 30.0% for the cost of materials.
- All auto body repair dealers will provide a value for the used materials in the bill of sale and that amount will be subject to sales tax payable by the consumer.
- The effective date will be May 1, 2012.

Section 2 assumptions:

- Based on data from the Iowa Department of Revenue, average total taxable sales between FY 2008 and FY 2010 was \$85.8 million. Of this amount, inputs are assumed to be approximately 14.4% of the total taxable sales.
- Growth in taxable sales are estimated at 3.7% in FY 2012, 3.4% in FY 2013, 3.7% in FY 2014, and 4.4% in FY 2015.
- The effective date will be May 1, 2012.

Fiscal Impact

The following table provides the fiscal impact of Section 1, Section 2, and the net impact on the General Fund, the Secure an Advanced Vision for Education (SAVE) Fund, and the impact on statewide local option sales tax (LOST) revenues.

Estimated Fiscal Impact Sales Tax Exemptions

	Total State Sales Tax	General Fund	SAVE	LOST
FY 2012: Auto Repair Material	\$ 65,059	\$ 54,216	\$ 10,843	\$ 9,434
FY 2012: Car Wash Inputs	-127,675	-106,396	-21,279	-18,513
FY 2012: Net Impact	-62,616	-52,180	-10,436	-9,079
FY 2013: Auto Repair Material	\$ 403,628	\$ 336,357	\$ 67,271	\$ 58,526
FY 2013: Car Wash Inputs	-792,098	-660,082	-132,016	-114,854
FY 2013: Net Impact	-388,470	-323,725	-64,745	-56,328
FY 2014: Auto Repair Material	\$ 418,563	\$ 348,802	\$ 69,760	\$ 60,692
FY 2014: Car Wash Inputs	-821,406	-684,505	-136,901	-119,104
FY 2014: Net Impact	-402,844	-335,703	-67,141	-58,412
FY 2015: Auto Repair Material	\$ 436,979	\$ 364,149	\$ 72,830	\$ 63,362
FY 2015: Car Wash Inputs	-857,548	-714,623	-142,925	-124,344
FY 2015: Net Impact	\$ -420,569	\$ -350,474	\$ -70,095	\$ -60,982

SAVE = Secure an Advanced Vision for Education

LOST = Local Option Sales Tax

Sources

Iowa Department of Revenue

Body Shop Business, State of the Industry Reports (2006, 2008, 2010-11)

Iowa Collision and Repair Association

LSA analysis and calculations

/s/ Holly M. Lyons

March 15, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

Fiscal Note

Fiscal Services Division



HF 2419 – Sales Tax Rebate for Field of Dreams (LSB 5471HV)
Analyst: Shawn Snyder (Phone: 515-281-7799) (shawn.snyder@legis.state.ia.us)
Fiscal Note Version – New

Description

House File 2419 provides a sales tax rebate to owners of a baseball and softball tournament facility and movie site that meets specified requirements. The proposed complex near Dyersville meets the specifications required in the Bill. The rebate will begin January 1, 2014, and remain in place for 10 years or until a total of \$16.5 million in sales tax has been rebated.

Background

Specifications in the Bill will limit eligibility for the sales tax rebate to the proposed baseball and softball tournament facility near Dyersville. Additionally, the Bill requires the cost of construction upon completion to total at least \$38.0 million.

Assumption

The estimate assumes that the project will proceed under current law.

Fiscal Impact

The baseball and softball tournament facility and movie site will receive a maximum sales tax rebate totaling \$16.5 million over 10 fiscal years, beginning FY 2015. State sales/use tax for school infrastructure (Secure an Advanced Vision for Education – SAVE) funds will not be rebated.

Sources

Department of Revenue
Strategic Economics Group

/s/ Holly M. Lyons

March 15, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2298 – Direct Care Professionals Board (LSB 5449SV.2)
Analyst: Aaron Todd (Phone: 515-281-6764) (aaron.todd@legis.state.ia.us)
Fiscal Note Version – As Passed by the Senate

Description

[Senate File 2298](#), as passed by the Senate, provides for the certification of direct care professionals under new Iowa Code chapter 152F. Direct care professionals (DCPs) are individuals that provide supportive services to people of all ages experiencing illness and disabilities in settings that range from in home and community-based settings to acute care in hospitals. The Bill requires a person that provides direct care services for compensation to be certified as a DCP and establishes requirements and processes for certification, renewal, continuing education, reciprocity, exemptions, and suspension or revocation. The Bill specifies the duties and membership of the 11-member Board of DCPs. The Bill also states that it is the intent of the General Assembly that the Board be self-sustaining by January 1, 2017.

Background

[House File 649](#) (Health and Human Services Appropriations Act of 2011) directed the Iowa Direct Care Worker Advisory Council to develop recommendations and findings concerning the following:

- Provide an estimate of the size of the DCP workforce.
- Identify information management system needs for the eventual Board.
- Pilot training and credentialing recommendations.
- Conduct education and outreach.
- Recommend composition of the Board and the work and credentials it will oversee.

This Bill includes recommendations outlined in the Council's January 2012 [report](#) and March 2012 [report](#) to the General Assembly and Governor concerning the establishment and credentialing activities of the Board of DCPs.

Assumptions

- The Board of DCPs will be established within the Department of Public Health (DPH) by December 15, 2012, and include 11 members appointed by the Governor.
- Core training and resulting certification will be required for all DCPs. Requirements for advanced training and associated credentials will be determined based on existing provider/facility regulations. Advanced training will be optional for all other workers in provider settings where training regulations do not exist.
- Education and training completed by DCPs will be based on state-recognized competencies and will be portable among employers.
- Worker credentials will be tracked through an information management system that will provide worker, employer, and public interfaces.
- There are estimated to be between 55,000 to 73,000 practicing DCPs in Iowa that would require licensure under this Bill.
- Licenses will be issued beginning January 1, 2014, and will be renewed biennially. Current DCPs will be "grandfathered" in the credentialing system based on experience and skills.

Grandfathered credentials may be provided at a discounted fee. The Bill allows the Board to determine the grandfathering process and timeframe. For estimating purposes, it is assumed that reduced certification fees for grandfathered professionals will be offered for six months between January 1, 2014, and June 30, 2014. Assumes 60.0% of existing practitioners will seek certification, and that one-third of current practitioners will become certified in FY 2014 and the remaining two-thirds will become certified in FY 2015.

- The Board is charged with determining the appropriate license fee schedule. The overall budget is highly variable depending on the fee structure adopted by the Board. The table below closely mirrors fee levels discussed by the Direct Care Worker Advisory Council.

Proposed Fee Structure	
New Direct Care Associate (DCA) \$	20
New Advanced DCA	30
New Instructor	60
New Trainer	75
Renewal DCA	25
Renewal Advanced DCA	35
Renewal Instructor/Trainer	60
Grandfathered DCA	15
Grandfathered Advanced DCA	20
Specialty	15
Late Fee	50
One-Time Background Fee	15

- By FY 2015, a range between 13.0 FTE positions (Projection Scenario A) and 16.0 FTE positions (Projection Scenario B) are estimated to be necessary to support the work of the Board. These positions are generally assumed to be filled at the low end of the salary range for each position, allow for 4.0% annual salary growth, and include an additional 27.0% for benefits. The positions include:

FTE Classifications			
Classification	Role	Number of FTEs	
		Scenario A	Scenario B
Executive Officer 2	Board Manager	1	1
Administrative Assistant 2	Certification Processors	1	2
Executive Officer 1	Education Director	1	1
Program Planner 2	Outreach & Compliance Educators	2	2
Clerk Specialists	Credential Reviewers	3	4
Investigator 1	Credential & Complaint Investigators	3	4
IT/Web Administrator	IT Systems Maintenance	1	1
Secretary 1	Secretary	1	1
Total		13	16

Projections

There are two projections provided below based on the estimated number of credential DCPs and the associated staffing levels. General Fund appropriations are not included in the projections. The net need shown at the bottom of each table represents the total estimated General Fund impact or need, if any.

Projection Scenario A

- Assumes 55,000 DCPs and a 60.0% renewal rate.
- Assumes a base of 12,000 new licensees plus a 3.0% allowance for growth annually.
- Applies the fee structure outlined in the table on page 2, plus a \$2 increase to the fees for the New Direct Care Associate (DCA), New Advanced DCA, Renewal DCA, Renewal Advanced DCA, Grandfathered DCA, and Grandfathered Advanced DCA for the Board to be self-sustaining by January 1, 2017.
- Assumes a staffing structure requiring 13.0 FTE positions by FY 2015.
- Support costs include, but are not limited to, travel, office equipment and supplies, criminal history reviews, IT development and maintenance, the DPH indirect administration charge (15.0% of total personnel costs), office rental, printing and postage, and communications.

Board of Direct Care Professionals - Projection Scenario A					
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenue					
Carryforward	\$ 0	\$ 0	\$ 0	\$ 507,849	\$ 132,163
License Fees	0	774,500	1,763,550	915,247	1,255,626
Federal Grant	550,000	201,000	0	0	0
IOWAccess Fund	150,000	100,000	0	0	0
Total Revenue	\$ 700,000	\$ 1,075,500	\$ 1,763,550	\$ 1,423,096	\$ 1,387,789
Expenses					
Curriculum & IT Development, Training & Evaluation	\$ 390,000	\$ 180,000	\$ 0	\$ 0	\$ 0
Personnel	205,300	626,900	765,205	795,529	826,927
Support	346,845	464,475	490,496	495,404	502,659
Total Expenses	\$ 942,145	\$ 1,271,375	\$ 1,255,701	\$ 1,290,933	\$ 1,329,586
Net surplus/(need)	\$ -242,145	\$ -195,875	\$ 507,849	\$ 132,163	\$ 58,203

Projection Scenario B

- Assumes 73,000 DCPs and a 60.0% renewal rate.
- Assumes a base of 15,000 new licensees plus a 3.0% allowance for growth annually.
- Applies the fee structure outlined in the table on page 2.
- Assumes a staffing structure requiring 16.0 FTE positions by FY 2015.
- Support costs include, but are not limited to, travel, office equipment and supplies, criminal history reviews, IT development and maintenance, the DPH indirect administration charge (15.0% of total personnel costs), office rental, printing and postage, and communications.

Board of Direct Care Professionals - Projection Scenario B					
	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Revenue					
Carryforward	\$ 0	\$ 0	\$ 0	\$ 678,725	\$ 289,485
License Fees	0	914,800	2,110,600	1,084,855	1,502,850
Federal Grant	550,000	201,000	0	0	0
IOWAccess Fund	150,000	100,000	0	0	0
Total Revenue	\$ 700,000	\$ 1,215,800	\$ 2,110,600	\$ 1,763,580	\$ 1,792,335
Expenses					
Curriculum & IT Development, Training & Evaluation	\$ 390,000	\$ 180,000	\$ 0	\$ 0	\$ 0
Personnel	205,300	774,200	918,400	954,800	992,500
Support	346,845	486,570	513,475	519,295	527,495
Total Expenses	\$ 942,145	\$ 1,440,770	\$ 1,431,875	\$ 1,474,095	\$ 1,519,995
Net surplus/(need)	\$ -242,145	\$ -224,970	\$ 678,725	\$ 289,485	\$ 272,340

Summary of Impacts

FY 2013: The General Assembly appropriated \$149,000 in FY 2012 to support the work of the Direct Care Worker Advisory Council. Each of the projections show a total General Fund need of \$242,145 in FY 2013, an increase of \$93,145 compared to FY 2012.

FY 2014: Projection Scenario A shows a total General Fund need of \$195,875 in FY 2014, an increase of \$46,475 compared to FY 2012, and Projection Scenario B shows a total General Fund need of \$224,970 in FY 2014, an increase of \$75,970 compared to FY 2012.

The table below summarizes the General Fund impact of these two scenarios in FY 2013 and FY 2014.

General Fund Impact Summary (Projections A & B)					
	FY 2013		FY 2014		
	Projection Scenario A	Projection Scenario B	Projection Scenario A	Projection Scenario B	
Status Quo FY 2012	\$ 149,000	\$ 149,000	\$ 149,000	\$ 149,000	
Additional Need	93,145	93,145	46,875	75,970	
Total Need	\$ 242,145	\$ 242,145	\$ 195,875	\$ 224,970	

Sources

Department of Public Health
Direct Care Worker Advisory Council
LSA Analysis

/s/ Holly M. Lyons

March 15, 2012

The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



SF 2287 – Buy American Act (LSB 5417SV)

Analyst: Dwayne Ferguson (Phone: 515-281-6561) (dwayne.ferguson@legis.state.ia.us)

Fiscal Note Version – New

Description

Senate File 2287 requires each contract for a State or local government public improvement to contain a provision requiring that the iron, steel, and manufactured goods used in the project be manufactured in the United States. The requirement can be waived if implementation will be contrary to public interest, if necessary products are not available in sufficient quantity or quality, or if it will increase the cost by more than 5.0%. Provisions are included for publication of and public comment on the waiver and for not applying the exclusion to certain foreign countries. The penalty for intentionally misrepresenting products as “Made in America” is exclusion from bidding on future contracts by that person.

Background

The Department of Transportation (DOT) had \$511.0 million in primary road and interstate lettings in FY 2011. This represents an annual cost. Of that total, DOT estimates materials cost \$311.0 million, and 20.0% of the materials were manufactured materials costing \$61.0 million. The Department had a \$10.4 million budget and approximately 100 staff responsible for materials testing, certification, and administration.

The Department of Administrative Services (DAS) identified the cost of current public improvement projects at \$444.3 million, including construction for two prisons. Materials costs are approximately \$200.0 million. These projects will be completed over several years and cannot be stated in terms of annual costs.

The Regents universities’ experience with the federal buy-American legislation indicates the requirements add approximately 1.0% to the cost of projects. The more restrictive approach in this Bill is estimated to add another 1.0% for a total increase of 2.0% in project costs.

Assumptions

- The use of American made products will be included in the design and request for proposal stages and will be handled in the same manner as other requirements relative to quality of materials. This may somewhat increase the complexity and design costs.
- The federal “Buy America” requirements apply to steel, so it is assumed that governmental entities receiving federal aid are already partially adhering to the requirements in this Bill.
- The requirements for American-made “goods used in the performance of the contract” do not apply to equipment owned and used by contractors and subcontractors but only to the materials used to build the public improvement.
- State agencies have staff that sample and test materials as part of the process of overseeing construction projects. This Bill will add another element of verifying the source in the materials inspection process and will require more staff. The Board of Regents estimates a need for 2.5 additional staff positions at a cost of \$205,000. The DAS will likely have increases similar to the Regents universities. The DOT will add an additional 10

positions for horizontal infrastructure and one staff for vertical infrastructure at a cost of \$828,000.

- This Bill will increase vertical infrastructure public improvement project costs by 2.0%.
- Purchasing American-made products will have a positive economic impact that is not limited to Iowa.

Fiscal Impact

Highway and interstate horizontal infrastructure projects managed by the DOT are projected to have an annual cost increase of \$610,000 for manufactured materials and \$750,000 for 10 additional staff for materials certification and related responsibilities, bringing the total increase for these types of projects to \$1.4 million annually.

Vertical infrastructure public improvements can be expected to increase by 2.0%. While it is not possible to provide a specific annual value for public improvement projects, it is expected that for each \$100 million of vertical public improvement projects, the costs would increase by \$2.0 million.

The positive economic impact of buying American-made products cannot be estimated.

Infrastructure projects are seldom funded from the General Fund, so the increase in costs would come from other funding sources.

Sources

Department of Administrative Services
Iowa League of Cities
Iowa State Association of Counties
Department of Transportation
Board of Regents

/s/ Holly M. Lyons

March 15, 2012

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Iowa Code section 2.56](#). Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
